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ORIGINAL

2019 APR 12 PM 1:10

SC. BAYLOR COURT

Attorney for Defendant
State Bar No. 010598

**COCHISE COUNTY SUPERIOR COURT
STATE OF ARIZONA**

STATE OF ARIZONA,) Case No. CR201900212
)
Plaintiff,) MOTION TO PERMIT
)
vs.) DEFENDANT TO LEAVE
)
PAUL R. BAYS,) THE STATE OF ARIZONA
)
Defendant.) FOR PRE-PAID TRIPS
)
)

The Defendant, Paul R. Bays, through counsel, moves the Court pursuant to standard condition #3 of his release conditions for an order permitting Mr. Bays to leave the State of Arizona for pre-planned and pre-paid family vacation trips in June and July this summer for the following reasons:

At the initial appearance on March 9, 2019 in the Cochise County Justice Court, No. 5 (Sierra Vista), Mr. Bays was ordered pursuant to "Standard Conditions of Release" #3, to "not leave the State of Arizona without written permission of the court."

Rule 7.4(b)(1) of the Ariz. R. Crim. P. states that "a court may reexamine the conditions of release if the case is transferred to a different court or a motion alleges the existence of material facts not previously presented to the court."

Mr. Bays is asking the Court to consider allowing him to depart the State of Arizona on June 8, 2019 until June 15, 2019 for a pre-planned and pre-paid scuba diving trip to Belize in Central America. This is an annual event for the scuba diving club that Mr. Bays has belonged to in Sierra Vista for many years. Mr. Bays is a certified scuba diver and instructor (Dive Master). See, Letter from Dr. Eric Brooks, Pro Tech Scuba, March 30, 2019, Appendix 1.

Mr. Bays also plans to bring his 10 years old son, Cameron, with him on the trip to Belize. Mr. Bays paid for the airline reservations for this trip in January of this year. The American Airlines flights will depart and return to Tucson International Airport. Mr. Bays has pre-paid approximately \$6,000 for airline/hotel reservations and preparations for the scuba diving outings with the other club members from Sierra Vista. See, Itinerary for Mr. Bays' round-trip airline reservations from Tucson to Belize provided by American Airlines, Appendix 2.

In addition, Mr. Bays pre-planned and pre-paid in December of 2018 to attend the State Bar's CLE by the Sea between July 13 and July 17, 2019 at the Hotel del Coronado in Coronado, California. The hotel reservations alone for this

seminar were \$2,577.54. Mr. Bays then plans to spend three days in Disneyland in Anaheim, California and return to Sierra Vista on July 20, 2019. Mr. Bays plans to take both of his children for this California law seminar/Disneyland vacation trip. See, reservations for the Hotel del Coronado, Appendix 3.

Mr. Bays, age 60, is released on his own recognizance in this case. He has no prior criminal record and has been a practicing lawyer in Arizona primarily in Cochise County for over 25 years. It should be noted that following the March 8, 2019 incident, Mr. Bays was permitted to take his children on a trip to Disneyland between March 17-24, 2019 with the consent of the prosecutor, the victim, and the Presiding Judge of Cochise County.

The parties anticipate that a non-trial disposition will be reached in this case.

The special prosecutor assigned to this case, Elizabeth Ortiz, has been advised of the Defendant's request to depart the State as outlined above and after consulting with the victim, Ms. Ortiz has no objection to the Court allowing Mr. Bays to travel to Belize and to California in June and July this summer.

WHEREFORE, based on the foregoing, the Court should consider permitting Mr. Bays to leave the State of Arizona for his pre-planned and pre-paid vacations this summer that are detailed above.

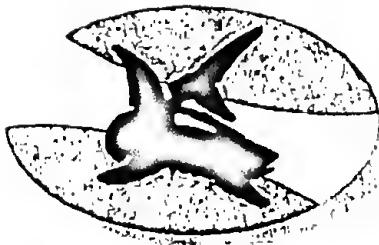
RESPECTFULLY SUBMITTED This 12th day of April 2019.


JOSEPH P. DiROBERTO
Attorney for Defendant

Copy of the foregoing delivered/mailed to:

Hon. Judge Marner, Pima County Superior Court

Elizabeth Ortiz, Executive Director APAAC
elizabeth.ortiz@apaacaz.com



ProTech Scuba

- sales - service - instruction - travel - rentals - nitrox -

(520) 508 - DIVE (3483)

RE: Paul Randal Bays

March 30, 2019

To Whom It May Concern,

Randy Bays and I have been friends since the early 2000s when I certified him as a scuba diver. His love of diving led him to become a Divemaster in 2007, at which time he began helping me with students and certified divers on trips and in classes. Randy has helped to lead numerous dives over the last 12 years, and his integrity, professionalism, and overall caring personality has helped him to become friends with many of the clients that have attended our trips and classes.

Over the course of these years, I have never known Randy to be mean or disingenuous, and I have certainly never known him to be violent. In fact, it is quite the opposite. Randy has always shown very strong character and as such he is one of the nicest and most generous people I know. Randy would never think twice about helping someone who was in need, or going out of his way to lend a helping hand. On many occasions I have seen Randy come to the aid of both friends and people with whom he has had no prior contact.

As friends with Randy and his ex-wife Gina, my wife and I have tried to remain neutral after the divorce, and have stayed friends with both parties. We have continued to go to dinner and on dive trips with them and their family. During these excursions, other than having minor disagreements, I have never known Randy to be mean or disingenuous, and he has never been violent, to any extent. He has always been kind and caring to his wife (even after the divorce) and treats his kids with fatherly love and affection.

Randy is a great friend, a great father and a man of integrity. Please feel free to contact me if more needs to be said regarding Paul Randal Bays. I am happy to provide more examples of his good character.

Sincerely,

eric brooks

Eric Brooks, PhD

From: Joseph P DiRoberto joseph diroberto@icloud.com
Subject: Bays Itinerary
Date: April 11, 2019 at 7:35 AM
To: Joseph P DiRoberto joseph diroberto@icloud.com

Thank you for choosing American Airlines. Here is the itinerary you requested.

Flight 1: American Airlines 2818

Departure Date: June 8, 2019

Departure Airport: TUS

Scheduled Departure Time: 7:00AM

Departure Terminal: --

Departure Gate: --

Arrival Airport: DFW

Scheduled Arrival Time: 11:16AM

Arrival Terminal: --

Arrival Gate: --

Flight 2: American Airlines 269

Departure Date: June 8, 2019

Departure Airport: DFW

Scheduled Departure Time: 12:45PM

Departure Terminal: --

Departure Gate: --

Arrival Airport: BZE

Scheduled Arrival Time: 2:40PM

Arrival Terminal: --

Arrival Gate: --

Flight 3: American Airlines 926

Departure Date: June 15, 2019

Departure Airport: BZE

Scheduled Departure Time: 2:35PM

Departure Terminal: --

Departure Gate: --

Arrival Airport: DFW

Scheduled Arrival Time: 6:44PM

Arrival Terminal: --

Arrival Gate: --

Flight 4: American Airlines 2402

Departure Date: June 15, 2019

Departure Airport: DFW

Scheduled Departure Time: 10:35PM

Departure Terminal: --

Departure Gate: --

Arrival Airport: TUS

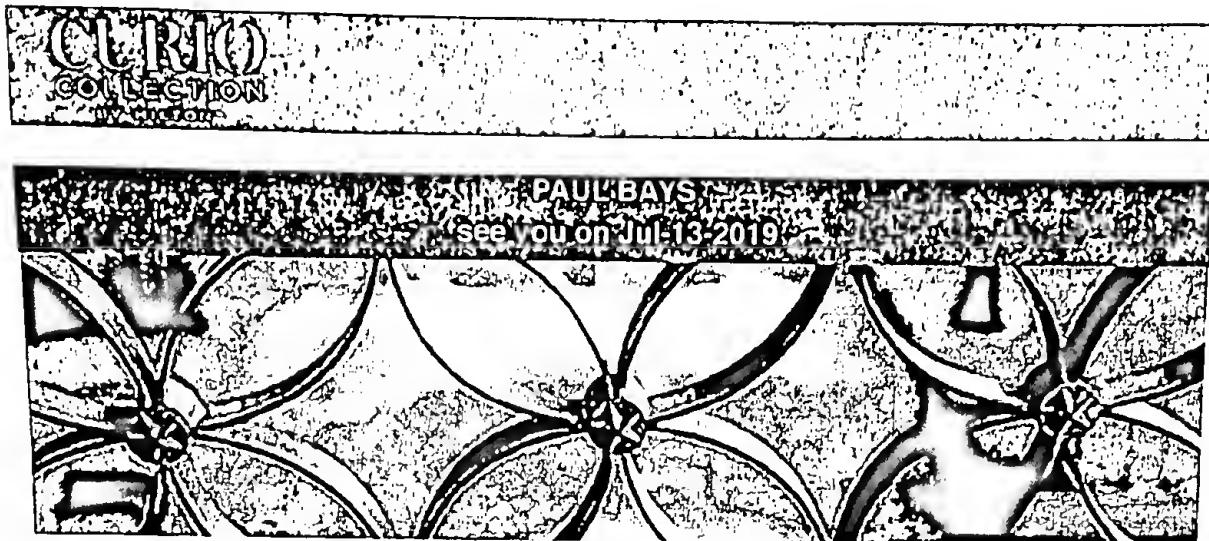
Scheduled Arrival Time: 10:47PM

Arrival Terminal: --

Arrival Gate: --

Sent from my iPhone

From: Curio - A Collection by Hilton Confirmed <noreply@h4.hilton.com>
Sent: Wednesday, December 12, 2018 2:51 PM
To: RBAYS@BAYSLAW.COM
Subject: Your Jul-13-2019 Confirmation #3506183042



Your Upcoming Stay

Hotel del Coronado

1500 Orange Ave

Coronado CA 92118, US

T: +1 8004683533

Confirmation #3506183042

Sat

13

July

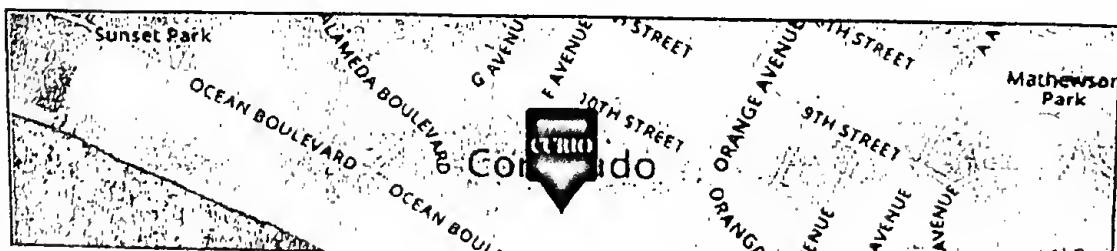
Check In: 4:00PM

Wed

17

July

Check Out: 12:00PM



Rate Rules and Cancellation Policy

- Please contact us should you need to cancel your reservation.

Tax

10.00% Per Room Per Night

1.00% Per Room Per Night

0.56% Per Room Per Night

Resort Charge: 140.00 USD

Valet-Parking: 50.00 USD

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